

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )	
FOR REVIEW BY: )	CHARGE NO.: 2009CH1392
	)
<b>CARA TAYLOR,</b> )	ALS NO.: 09-0367
	)
Petitioner. )	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee Freeman and Yonnie Stroger, presiding, upon Cara Taylor's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2009CH1392, and the Commission having reviewed *de novo* the Respondent's investigation file, including the Investigation Report and the Petitioner's Request and supporting materials, and the Respondent's response to the Petitioner's Request; and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

**LACK OF SUBSTANTIAL EVIDENCE**

In support of which determination the Commission states the following findings of fact and reasons:

1. On October 27, 2008, the Petitioner filed an unperfected charge of discrimination with the Respondent, perfected on December 8, 2008. In her four-count charge (Counts A-D), the Petitioner alleged that Tristan Barnett ("Barnett"), Lakeview Towers Association, Inc. ("Lakeview"), Leasing & Management Company, Inc. ("Management"), and KARD Protection Group, Inc. ("KARD"), each altered the terms, conditions or privileges of her real estate transaction in retaliation for having filed a previous charge of discrimination, in violation of Section 6-101(A) of the Illinois Human Rights Act (the "Act").
2. On June 10, 2009, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On July 14, 2009, the Petitioner filed a timely Request.
3. The Petitioner is a tenant of 4450 N. Clarendon Avenue, Chicago, Illinois ("the Premises"), and she uses a wheelchair.
4. Lakeview is the owner of the Premises. Management is a property management company. Barnett is employed by Management. KARD is a security company. Lakeview, Management, Barnett, and Kard will sometimes be collectively referred to as "the Landlords."

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

5. The Premises is a 500 unit, multi-family apartment complex. The Premises contain a parking garage which accommodates approximately 300 parking spaces. The parking spaces are separately leased by the tenants.
6. The Petitioner did not lease a space in the parking garage.
7. All tenants were able to access and unlock various parts of the Premises by using an electronic "key card." Prior to July 2008, all of the tenants, including the Petitioner, had key card access to the parking garage elevator, whether or not they actually leased a parking space.
8. On August 15, 2007, the Petitioner filed a charge of discrimination against Barnett, Lakeview, and Management. That charge was subsequently dismissed by the Respondent for lack of substantial evidence. On a request for review, the Respondent's Chief Legal Counsel upheld the dismissal of that charge.
9. In July 2008, the Chicago Fire Department told the Landlords that the stairway doors on the Premises had to remain unlocked for safety reasons. Thereafter, the Landlords changed the electronic codes for the stairway doors so that they were accessible to all tenants.
10. For security reasons, the Landlords also had the key cards changed so that only the tenants who leased a parking space would have access to the parking garage elevator. As a result, the Petitioner's authorization to access the parking garage elevator was removed from her key card in July 2008.
11. Twice on July 11, 2008, the Petitioner went into the parking garage in order to retrieve and return empty boxes. On both occasions, the Petitioner could not use the elevator to exit the garage.
12. On July 14, 2008, the Petitioner wrote a formal letter of complaint to the Landlords regarding her inability to access the parking garage elevator. On or about July 16, 2008, the Landlords restored the Petitioner's access to the parking garage elevator.
13. In her charge and her Request, the Petitioner argues that the Landlords' articulated reason for removing her access to the elevator was pretextual. She argues that they wanted to retaliate against her for having previously filed a charge of discrimination in August 2007.
14. The Commission's review of the Respondent's investigation file leads it to conclude that the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence.

There is no evidence in the file of any retaliatory motive. Rather, the undisputed evidence in the file shows that the Landlords removed access to the parking garage elevator for all residents who did not lease a parking space. The Petitioner admits she did not lease a space in the parking garage. Therefore, the evidence shows that she was treated the same as similarly situated tenants.

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Further, once the Petitioner made the Landlords aware that she needed access to the parking garage elevator, her access was almost immediately restored.

The Petitioner has not provided any additional evidence which would warrant a reversal of the Respondent's original determination.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission; the Illinois Department of Human Rights; and Tristan Barnett, Lakeview Towers Residence Association, Inc., Leasing & Management Company, Inc., and Kard Protection Group, Inc., as appellees, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

STATE OF ILLINOIS

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Entered this 13<sup>th</sup> day of January 2010.

Commissioner David Chang

Commissioner Marylee Freeman

Commissioner Yonnie Stroger